

FILED

UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MAR - 5 2008
3-5-2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

EDUARDO CORTES ON BEHALF
OF HIMSELF AND OTHERS
SIMILARLY SITUATED

Case No 08 C415

JUDGE JOHN F. GRADY

MAGISTRATE JUDGE KEYS

Plaintiffs.

V.

CALIFORNIA MUFFLER AND BRAKES INC
AND MAXIMILIANO CHAVEZ
FERNANDO CHAVEZ AND JESUS NUNEZ

EDUARDO CORTES

ANSWER TO COMPLAINT

1. Mr. Eduardo Cortez was hired as a person in charged of the shop because, he had no certification, and he had no tools so we decided to hire him as a manager. And when he was hired he was told that was going to make the minimum wage. At that time was 4.75 we came to a decision to pay to a flat rate of 55.00 whether their was work or not.
2. ~~NON OF THIS LABOR STANDARDS WERE VIOLATED~~
3. I don't understand.
4. He never came back to work since 1/18/2008 he is no longer an employee at California mufflers and brakes
5. There is no complaint with any other employee with this matter.
6. California mufflers and brakes discount is independently owned the other locations 5059 S. California has different name California mufflers and brakes. The location 8050 W. Ogden in Lyons, Illinois is California mufflers and tune-ups.
7. Maximiliano Chavez has nothing to do with this location.
8. I can prove that I was fair to my entire employee.
9. denied
10. I don't understand the question.

11. I don't understand the question.
12. There is an agreement with all my employees I pay them the minimum wage, but if there is nothing to do would pay them at the end of the week a flat rate.
13. I don't know in what way Mr. Cortez suffered because, they could talk on the phone all day they ate all day and they could go where ever they wish to go. I had so many complaints about Eduardo Cortez and Angel Silva from the person in charged of the office. They never listen to her she was ignored by Mr. Cortez and Mr. Silva. How can someone suffer so much when he broke all the rules and he took advantage of all confidence we deposit in him. He would use my business as a place to make his own business he would sell my own parts that I have in my inventory more then one time he was caught stealing from my shop. The last incident occurred on January 17, 2008 when he took the keys of the shop from one of my employee key chain. I had to call brinks to change my business code and change the door knob. I have a recording were he admits he took the keys.
14. Eduardo Cortez was the one that controlled all the works performed at California mufflers and brakes.
15. Denied
16. Eduardo Cortez most of the time was handling work orders, ordering parts, picking up parts and giving out estimates to the costumers. Some people thought Eduardo Cortez was the owner of California Mufflers and Brakes because, he was the one that talked to the customers he didn't have time to do manual work.
17. I paid them the minimum wage, they were over paid.
18. Eduardo Cortez is the only employee complaining about this matter and Eduardo Cortez was calling all other ex employee to going him in this sued that he will guarantee about 30.000 dollar to each employee.
21. I have letters sing by past and present employee how never had and don't have any complaints.
25. Eduardo Cortez is no longer an employee at California mufflers and brakes he decided not to come back to work as of 1/18/08.
26. Eduardo Cortez never works in excess of 40 hours he would do what ever he wanted to do.
27. If I add all the hours he worked and deducts the lunch brake and all the other brakes he took during working hours he, only work less then 8 hours in one day.
28. Eduardo Cortez I repeat didn't not have time to do manual work or manual labor but, he did have time to talk on the phone all day if I could request a copy of his cellular statment to look

at all the calls he made and he receive during working hours I would be able to prove what he did all day in my business for the past 8 years.

- 29. There is nobody else but, Mr. Cortez complaining about this matter.
- 30. I pay more than what I so post to pay to my employees.
- 31. Denied
- 32. Denied
- 33. Denied
- 34. I pay my employee good and fair.
- 35. Denied
- 36. Denied
- 37. Denied
- 38. Denied
- 39. My entire past and present employee were paid a flat amount of 500.00 or more per week.
- 40. I dint violated any law.
- 41. Denied
- 42. Denied
- 43. Denied
- 44. I didn't fail to pay anybody nothing.


FERNANDO CHAVEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EDUARDO CORTAZ ON BEHALF OF
HIMSELF AND ALL OTHERS SIMILARLY
SITUATED

PLAINTIFF

CASE NO. 08 C 415

VS
CALIFORNIA MUFFLER AND BRAKES INC
AND MAXIMILIANO CHAVEZ
FERNANDO CHAVEZ & JESUS NUÑEZ

DEFENDANT

PROOF OF SERVICE

TO: EDUARDO CORTAZ
5435 W 23RD PLACE
CICERO IL 60804

TO: _____

TO: _____

I, the undersigned (plaintiff / defendant), certify that on the 3 day of MARCH, 2008, I
served a copy of this ANSWER TO COMPLAINT to each person whom it is directed by way of
US MAIL CERTIFIED

Name FERNANDO CHAVEZ

Address 5716 S MASSASOIT

City/Zip CHICAGO 60638

Telephone 773 851 1553



SIGNATURE / CERTIFICATION

3/5/08

DATE